

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MARVIN ALBERTO VIVAS-MORALES,
Plaintiff

v.

UNITED STATES OF AMERICA,
Defendant.

C.A. No. 03-312 Erie

**District Judge McLaughlin
Magistrate Judge Baxter**

ORDER

AND NOW, this 13th day of July, 2005;

IT IS HEREBY ORDERED that Defendant's "Motion to Extend Time to File its Pretrial Statement/Summary Judgment Motion" [Document # 26] is GRANTED and Defendant's filing of its Pretrial Statement and/or Summary Judgment motion shall be held in abeyance until this Court's resolution of Defendant's pending motion to dismiss for failure to prosecute.

IT IS FURTHER ORDERED that the parties are allowed ten (10) days from this date to appeal this order to a district judge pursuant to Local Rule 72.1.3 B. Failure to appeal within ten (10) days may constitute waiver of the right to appeal.

S/Susan Paradise Baxter
SUSAN PARADISE BAXTER
Chief U.S. Magistrate Judge

cc: All parties of record